

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,
Plaintiff,

v.

THE SINGER COMPANY,
Defendant.

1:20-mc-792

(originally Civil Action No. 154-108)

DECLARATION OF PHILIP ANDRIOLE

I, Philip Andriole, do hereby declare and state as follows:

1. I am an attorney admitted to practice in New York State. I have served as a Trial Attorney in the Antitrust Division of the Department of Justice since my admission in February, 2020. Prior to my admission, since September 9, 2019, I served as a law clerk in the Antitrust Division in substantially the same capacity.

2. This Declaration is being submitted in support of the United States of America's Motion to Terminate A Legacy Antitrust Judgment in the above-captioned matter.

3. The statements made in this Declaration are based on the knowledge acquired by me in the performance of my official duties and in conjunction with factual research conducted by other attorneys and staff in the Antitrust Division.

4. In early 2018, the Department of Justice Antitrust Division implemented a program to review and, when appropriate, seek termination of older antitrust judgments in which parties were subjected to some type of affirmative obligation or express prohibition that did not have an expiration date. As part of this process, the Division researched the corporate status of entities subject to these older, legacy antitrust judgments.

5. For the judgment in this case, librarians of the Antitrust Division were instructed to research and confirm the corporate status of the corporate defendants. The librarians searched the following public sources to determine corporate status.

- a. A search of the New York Department of State Division of Corporations database. If the final judgment (as submitted to this Court) or other web search (see below) suggested incorporation information for a defendant in another state, the librarians also checked that state for corporate status.
- b. A search of the Encyclopedia of Associations and IRS Tax Exempt Organization Search, where such organizations or associations were subject to a judgment.
- c. A search of web-based resources for the existence (or succession) of the entity. In addition to general web-based searches, the search included research in one or more of the following resources:
 - i. Lexis and/or Westlaw (news, company, and/or litigation search);
 - ii. historical newspapers from Newsbank, ProQuest, and/or Newspapers.com; and
 - iii. historical company directories held by the Antitrust Division Library.

6. Based on the information provided to me by the librarians and otherwise, I believe that the defendant The Singer Company is no longer in business, having filed for bankruptcy in 1999. Certain of The Singer Company's intellectual property was purchased by another company in 2004. The company currently using that intellectual property had no involvement with the judgment or conduct at issue. Moreover, when I exchanged emails with counsel for that

company on November 30, 2020, counsel indicated that the company did not object to the Division's motion to terminate the judgment.

Having reviewed this Declaration, I declare, under penalty of perjury that the foregoing is true and correct.

Dated: December 22, 2020
New York, New York

/s/ Philip D. Andriole

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